



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: June 30, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Donna Pohli, Assistant Planner

Subject: **Madi Choueiri (applicant/owner)** – Review for acceptance and consideration of Final Approval for a waiver of full site plan review for a restaurant located at 480 D.W. Highway in the C-1 (Limited Commercial), Elderly and Town Center Overlay and Aquifer Conservation Districts. Tax Map 5D-3, Lot 046. **This agenda item is continued from the June 2, 2015 Planning Board meeting.**

Background: As the Board may remember, the applicant appeared before you on June 2, 2015 to discuss the proposed restaurant at 480 D.W. (Please read the attached staff memo and minutes).

To summarize, the applicant was seeking a waiver of full site plan review from the Board and had a floor plan, site plan, and photo that the Board felt did not match up. The Board explained what they would like to have revised and continued the item to this meeting. The applicant has now brought in a revised floor plan including porch seating that better matches the site plan layout and would like to essentially withdraw the photo that shows the outdoor seating.

Staff notes that the west portion of the building shown on the site plan is not shown on the revised floor plan. The stair case on the west side of the building is shown on the floor plan but not on the site plan. There were additional site plan changes requested by the Board at the last meeting that have not been made yet and are therefore part of the conditions of approval.

Completeness: Staff recommends that the Board determine if it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision. The planning staff also recommends that the Board determine if annotations to a previous plan is sufficient to justify the waiver of full site plan review. The Board will need to determine if the presented plan is satisfactory, if the applicant can make additional changes to make it satisfactory, or if a fully engineered plan is more appropriate for this use.

Waivers: Other than the waiver of full site plan review, the applicant is not requesting any additional waivers at this time, however, it appears a parking waiver may be necessary and that the Board requested a sidewalk waiver request to be submitted. If any others are requested, Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Parking: The revised floor plan shows 6 tables with 2 chairs each on the porch and then 5 booths with space for either 2 or 4 customers each (it is unclear to staff), 5 tables with 4 chairs each, and seating at the

bar for 7. If the booths hold 4 people, then the indoor seating totals 47 and outdoor seating totals 12 seats. Based on the calculation of 1 space per 3 seats, plus 1 per employee, Staff has determined that at least 22 spaces shall be provided if the applicant continues to propose 59 seats and 2 employees. Meaning a parking waiver is likely necessary as the site plan only shows 16 spaces.

Recommendation:

Based upon the information available to date and if the Board grants the waiver of full site plan review, Staff recommends that the Board approve the site plan with the following conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified (should the Board deny the waiver of full site plan review and require a fully engineered plan, staff recommends tabling the application to allow the applicant to obtain a fully engineered site plan):

1. Final plans to be signed by the Applicant and Property Owner;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. Applicant shall revise site plan as directed by the Planning Board to the satisfaction of the Planning Board and CDD Staff;
4. Applicant shall address any forthcoming comments from the Conservation Commission (as applicable);
5. Applicant shall address any forthcoming comments from the Public Works Department;
6. Applicant shall address any forthcoming comments from the Building and Health Division (as applicable);
7. Applicant shall address the following comments from the Wastewater Division:
 - a. The plan as submitted does not indicate where the sewer lateral is located;
 - b. The restaurant will be required to have a properly sized, installed, and maintained grease trap (preferably outdoor);
8. Applicant shall address any forthcoming comments from the Fire Department (as applicable);
9. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Applicant to add "C-1 (Limited Commercial), Elderly and Town Center Overlay, and Aquifer Conservation Districts" to zoning notes;
2. Applicant to revise parking note to include that 16 spaces are required based on 40 seats and 2 employees, have the word "handicap" properly spelled, and say "Please view floor plan for specifics" rather than "site plan";
3. Please add "Plan annotated by Madi Choueiri" with the date (and existing signature) under the notes;

4. Please add staircase shown on the west side of the building to the site plan;
5. Please add north arrow and street locations on the floor plan;
6. Please indicate the number of seats in each booth;
7. Please revise floor plan to include the building jet out on the west side;
8. Please add a note that the “Final restaurant design and capacity must be approved by the Fire Department, including Building and Health Divisions”;
9. Please add a note referencing CDD Plan #1082 which was annotated;
10. Please indicate the locations of any proposed signs, and verify compliance with the requirements of the Zoning Ordinance;
11. Please add a note indicating the source of water and sewer services.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. Applicant shall address the following comments from the Fire Department:
 - a. As this proposal is for a change of use to a mixed use combining a residence and restaurant the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued;
 - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued;
2. Applicant shall address the following comment from the Waste Water Division:
 - a. A plumbing plan indicating the location of the grease trap per precedent condition #6.b is required.

Ec: Madi Choueiri, Applicant/Owner
George Keller, Land Surveyor
Carol Miner and Fred Kelley, Building Department
Al Turner, Health Official
Ken Conaty and Jim Taylor, Wastewater Division
Kyle Fox, Deputy Director of Public Works/Town Engineer
John Manuele, Captain, Merrimack Fire Department
Tim Tenhave, Chairman, Conservation Commission

Cc: Planning Board File
Correspondence